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EXAMINER

LEBASSI, AMANUEL

ART UNIT	PAPER NUMBER
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2617

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/590,138	Applicant(s) OBERMANNS, SEBASTIAN	
	Examiner AMANUEL LEBASSI	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 April 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 10-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 10-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 August 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 04/14/2010 have been fully considered but they are not persuasive.

2. The applicant argued features in the claims, i.e. A method for packet-switched data transmission in a self-organizing radio network with at least a first and a second radio coverage area, and at least one mobile communication device for each radio coverage area, which comprises: operating a first central control device in the first radio coverage area and a second central control device in the second radio coverage area, for centrally controlling an assignment of transmission channels assigned to the respective radio coverage area; operating in each of the first and second radio coverage areas mobile communication devices forming intermediate stations for forwarding to the second radio coverage area data originating from the first radio coverage area; and thereby operating the first central control device to control the transmission channels available to the first radio coverage area, both for transmitting data between the first central control device and the intermediate station and for transmitting data between the intermediate station and the second central control device reads upon Gupta in view of Yonge as follows.

Gupta is discussing first cell having a first base station and a second cell having a second base station with first cell having a first base station and a second cell having a second base station having devices. Therefore, Gupta is showing the limitation of “A

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method for switched data transmission in a self-organizing radio network with at least a first and a second radio coverage area, and at least one mobile communication device for each radio coverage area". Gupta discusses Gupta discusses where Base station operating under Base station controller I (BSC I) and base station 105 is operating under Base station controller 2 (BSC II). . Therefore, Gupta is showing the limitation of **"operating a first central control device in the first radio coverage area and a second central control device in the second radio coverage area, for centrally controlling an assignment of transmission channels assigned to the respective radio coverage area "**. Gupta discusses relay stations 125 c and 125 b which forward signals to the neighboring coverage areas. Therefore, Gupta is showing the limitation of **"operating in each of the first and second radio coverage areas mobile communication devices forming intermediate stations for forwarding to the second radio coverage area data originating from the first radio coverage area "**. Gupta discusses where a relay or intermediate device is configured to relay a plurality of messages associated with a plurality of other wireless communication devices along a plurality of adaptive relay paths therefore transmitting data between the intermediate station and the second central control device. Therefore, Gupta is showing the limitation of **"operating the first central control device to control the transmission channels available to the first radio coverage area, both for transmitting data between the first central control device and the intermediate station and for transmitting data between the intermediate station and the second**

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central control device ". Yonge discusses packet switched data transmission.

Therefore, Yonge is showing the limitation of **"packet switched data transmission "**.

Regarding the applicants arguments on dependent claims limitations, those limitation where shown by Gupta in view of Yonge where Yonge show the packet switched.

Regarding the applicant's arguments on Gupta teaching direct communication between the mobile stations within one area, Gupta is discussing a relay coordinator configured to provide an adaptive relay path in cooperation with the base station for a message associated with a wireless communication device.

Regarding the applicants arguments on combination of references, all references were analogous and performing similar tasks and therefore are combinable.

Regarding the applicants argument on motivation, the motivation to combine was shown in the background of the secondary reference.

Therefore the argued features where read upon the cited references or are written broad enough that they read upon the cited references as follows.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 10-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gupta US 20040043782 in view of Yonge, III. US 6987770.

Regarding claim 10, Gupta discloses a method for circuit switch transmission in a self-organizing radio network with at least a first and a second radio coverage area **(paragraph [0009]- first cell having a first base station and a second cell having a second base station)**, and at least one mobile communication device for each radio coverage area **(paragraph [00009] -first cell having a first base station and a second cell having a second base station having devices and Fig. 1)**. Gupta discloses operating a first central control device in the first radio coverage area and a second central control device in the second radio coverage area, for centrally controlling an assignment of transmission channels assigned to the respective radio coverage area **(see Fig. 1 where Base station 110 is operating under Base station controller 1 therefore first central control device and base station 105 is operating under Base station controller 2 therefore second central control device)**. Gupta discloses operating in each of the first and second radio coverage areas mobile communication devices forming intermediate stations for forwarding to the second radio coverage area data originating from the first radio coverage area **(see Fig. 1, and paragraph [0021] - relay stations 125 c and 125 b)** and thereby operating the first central control device to control the transmission channels available to the first radio coverage area, both for transmitting data between the first central control device and the intermediate station and for transmitting data between the intermediate station and the second central control device **(paragraph**

[0044] where a relay or intermediate device is configured to relay a plurality of messages associated with a plurality of other wireless communication devices along a plurality of adaptive relay paths therefore transmitting data between the intermediate station and the second central control device).

Gupta discloses the communication circuitry may transmit and receive messages that include voice, video and data information but is silent on packet-switched data transmission (**paragraph [0043]**). Yonge teaches packet-switched data transmission (**col. 6, lines 66-67 – packet switched**).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the invention of Gupta and have it include packet-switched data transmission. The motivation would have been in order to switch channels more efficiently when data is compressed (**paragraph [0003]**).

Regarding claim 11, Yonge teaches transmitting control data appended in the transmission with the first central control device on a separate transmission channel (**col. 3, lines 18-26**)

Regarding claim 12, Yonge teaches wherein the separate transmission channel is an FCH channel (**col. 3, lines 18-25 where the frame forwarding can further include selecting the intermediate station for frame forwarding from among the stations that can communicate with the second station using connection information based on characteristics of a respective first channel connection between each station and**

the second station and a second channel connection between each station and the first station).

Regarding claim 13, Yonge teaches if the FCH channel cannot be received by the second central control device, appending with the intermediate station control data for the second central control device to the data to be forwarded (**col. 3, lines 18-25**)

Regarding claim 14, the combination of above discloses adding to the control data at least one of an address of the second central control device and a format of the data to be forwarded (see above).

Regarding claim 15, Yonge discloses analyzing the control data in the intermediate station (**col. 1, lines 33-37**).

Regarding claim 16, Yonge discloses analyzing the control data in the second central control device (**paragraph [0015]**).

Regarding claim 17, Yonge discloses operating the radio network using central medium access control in accordance with a standard selected from the group consisting of IEEE 802.11 standard, IEEE 802.16, Hiperlan/2, and a standard derived therefrom (**col. 14, lines 57-59**).

Regarding claim 18, Yonge discloses an intermediate station configured for carrying out the method (**col. 1, lines 33-37**).

Regarding claim 19, Gupta discloses A central control device configured for carrying out the method (**paragraph [0015] and Fig. 1**).

Regarding claim 19, Gupta discloses wherein the intermediate station is part of the first radio coverage area and the second radio coverage area (**paragraph [0021] where a relay device could be in a cell border**).

Conclusion

1. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

2. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Amanuel Lebassi, whose telephone number is (571) 270-5303.

The Examiner can normally be reached on Monday-Thursday from 8:00am to 5:00pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Nick Corsaro can be reached at (571) 272-7876. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or 703-305-3028.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/customer service whose telephone number is (571) 272-2600.

Amanuel Lebassi

/A. L./

6/25/2010

/NICK CORSARO/

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Supervisory Patent Examiner, Art Unit 2617